

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF NEW YORK

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IN RE:

LISA Y ZUYUS
AKA LISA ANN DALY

tmd3574/mrm

August 1, 2019

09:30 AM

Case No. 819-73681-AST

Hon. ALAN S. TRUST

NOTICE OF MOTION

Debtor.

=====X

PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Alan S. Trust, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 290 Federal Plaza, Room 963, Central Islip, New York, 11722, on August 1, 2019 at 09:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
July 15, 2019

/s/ Marianne DeRosa
MARIANNE DeROSA, TRUSTEE
100 JERICHO QUADRANGLE; STE 127
JERICHO, NY 11753
(516) 622-1340

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Case No: 819-73681-AST

LISA Y ZUYUS
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Hon. ALAN S. TRUST

APPLICATION

Debtor.

=====X

TO THE HONORABLE ALAN S. TRUST U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on May 20, 2019, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.
2. As of the date of this application, the Debtor has failed to:
 - a. commence making Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. § 1326(a)(1); and
 - b. provide the Trustee with a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i); and
 - c. provide the Trustee with all disclosure documentation as required by E.D.N.Y LBR 2003-1; and
 - d. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343; and
 - e. serve the plan on the trustee and all creditors within 7 days of filing of the plan and file proof of service there of as required by E.D.N.Y. LBR 3015-1(b).
3. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
4. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Jericho, New York
July 15, 2019

s/Marianne DeRosa
Marianne DeRosa
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X Case No: 819-73681-AST
IN RE:

LISA Y ZUYUS
A/K/A LISA ANN DALY

CERTIFICATE OF SERVICE
BY MAIL

Debtor.

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This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

LISA Y ZUYUS
2352 WINDSOR ROAD
BALDWIN, NY 11510

ERICA T. YITZHAK, ESQ.
17 BARSTOW ROAD, SUITE 406
GREAT NECK, NY 11021

MTGLQ INVESTORS, L.P.
RAS CRANE, LLC
10700 ABBOTT'S BRIDGE ROAD
SUITE 170
DULUTH, GA 30097

This July 15, 2019

/s/Matthew R. Matz
Matthew R. Matz, Paralegal
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
100 Jericho Quadrangle; Ste 127
Jericho, NY 11753
(516) 622-1340

CASE NO: 819-73681-AST
Hon. ALAN S. TRUST

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

LISA Y ZUYUS
AKA LISA ANN DALY

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE
100 JERICHO QUADRANGLE; STE 127
JERICHO, NY 11753
(516) 622-1340